

REMARKS

In response to the office action dated December 4, 2006, Applicant is amending claims 1, 8, 28 and 33, which are the independent claims. As such, claims 1-33 are pending. Applicants thank the Examiner for indicating that the pending claims would be allowable if certain formal issues were corrected. In view of the above amendments and the comments below, Applicant submits that the claims are now in condition for allowance.

Independent claims 1, 8, 28 and 33 are being amended along the lines suggested in the office action. First, the preamble of claim 1 is amended to recite that the method is “to identify actions with regard to data objects”. This is supported by the present disclosure, for example in the description of Figure 1B, where the identified action is that a certain product should be shipped “Express FOB”. Specification page 5, lines 14-17. Moreover, independent claims 1 (a method) and 33 (a computer program product) have been amended in the last portion of the method or operations: it is now stated “determining whether the at least one of the query attributes identified by the first access rule matches a first attribute set in the attribute database ...” or similar words. This is supported by the description of the first attribute set 260A. 8:9-14. Moreover, this portion of the method or operations is amended to recite two measures taken if the determination results in the affirmative: “(i) accessing in a rule database ...; and (ii) generating an output that identifies the particular action.” The latter measure—(ii)—is supported by the description of Figure 1B, for example, where the output “Express FOB” is generated. 5:14-17. This formulation is chosen to indicate that the measures are taken conditioned on the outcome of the determination. Independent claim 8 (a system), in turn, is amended to recite also “a device generating an output that identifies one of the particular actions.” This is supported by the description of Figure 1B, for example. Independent claim 28 (a system) is amended to recite “at least one storage device for storing the rule database, the attribute database, and the plurality of access procedures”. This is supported by the description of Figure 2 in which the rule database 240, the attribute database 260 and the access procedures 250 are stored in the system 200. 5:21—10:30. No new matter is added.

Rejections under § 101

Claims 1-33 were rejected under § 101 as being directed to non-statutory subject matter. The office action stated that the claim language simply represented an abstract idea, lacking a 'final conclusory step', and made suggestions for suitable amendments.

Applicant is amending the independent claims along the lines suggested in the office action. In independent claims 1, 8 and 28, Applicant is adding language about generating an output that identifies the particular action, or a similar expression. Applicant notes that generating this output does not necessarily include performing the identified action, or indicating some result thereof. For example, the output "Express FOB" is generated in Figure 1B but the shipment need not have taken place at this moment. Rather, the action of shipping the product via "Express FOB" can be performed later. For independent claim 28, Applicant notes that this system includes input functions for creating a rule database, a attribute database, and a plurality of access procedures, examples of which are shown in Figures 4, 5 and 6. 11:23—13:31. As such, Applicant submits that "storing the rule database, the attribute database, and the plurality of access procedures" is the appropriate "final, conclusory step" for this claim. Applicant also submits that the claims as amended satisfy the requirements for statutory subject matter in § 101 and ask that the rejection be removed. However, Applicant does not concede that the rejection has merit.

Independent claim 33 was also rejected under § 101 because it was allegedly not limited to physical articles or objects. The office action stated that the computer program product could be embodied in a propagated signal.

Applicant is amending independent claim 33 to recited that it is embodied in "a physical machine-readable storage medium", as suggested in the office action. Applicant submits that the claim as amended satisfies the requirements for statutory subject matter in § 101 and ask that the rejection be removed. However, Applicant does not concede that the rejection has merit.

Rejections under § 112

Claims 1-7 and 33 were rejected under § 112, second paragraph because of the word "capable" in the preamble, and the "if" statement in the last portion of the method or operations. The office action alleged that these words rendered the claims indefinite.

Applicant has amended the preamble of claim 1 to instead recite "to identify actions". As such, Applicants submits that the issue "whether the system takes action or does not take action", as stated in the office action (page 6), is moot. Nevertheless, Applicant refers to its response above regarding the performance of actions by the system. Independent claims 1 and 33 have been amended to recite a "determining" step as discussed above. This amendment makes it clear that the determination is performed, and this renders moot the issue raised in the office action "whether there is an outcome or determined result" (page 6). The claim now also lists two measures—numbered "(i) ...; and (ii)"—that are taken on condition that the determination results in the affirmative. Applicant submits that the claims as amended satisfy the requirements for definiteness in § 112 and ask that the rejection be removed. However, Applicant does not concede that the rejection has merit.

Allowable Subject Matter

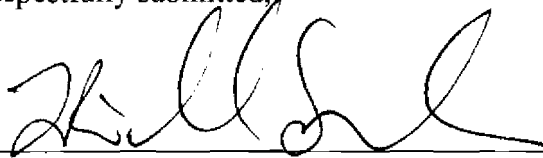
The Examiner stated that the claims 1-33 are allowable if the issues raised in the office action were rectified. Applicant submits that the issues have been fully addressed in the current amendments and the comments above. As such, a notice of allowance is requested.

Please apply the extension fee of \$120 and any other charges or credits to deposit account 06-1050.

Date: _____

3/27/07

Respectfully submitted,



J. Richard Soderberg
Reg. No. 43,352

Fish & Richardson P.C.
60 South Sixth Street
Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696